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IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	
	)	No. CR S-97-0381 FCD GGH
Plaintiff,	)	
	)	STIPULATION AND ORDER
v.	)	EXTENDING TIME FOR THE UNITED
	)	STATES TO RESPOND TO
BRYAN JAMES EPIS,	)	DEFENDANT'S 28 U.S.C. § 2255
	)	<u>MOTION</u>
Defendant.	)	
	)	
	)	Court: Hon. Gregory Hollows

Whereas, the Court has previously ordered that the United States shall file a response to defendant Bryan James Epis' motion filed under 28 U.S.C. § 2255 by July 15, 2011;

Whereas, the United States Attorney's litigation file and materials in this case are extremely voluminous and encompass over 24 linear feet of file space in this litigation that spans approximately fourteen years;

Whereas, the United States desires an additional extension of time to respond to Epis' § 2255 motion as the issues raised in his motion are complex and require much legal and factual research and investigation to prepare the United States'

1 response,

2 It is hereby stipulated and agreed, by and between the  
3 parties, through their respective counsel, that:

4 1. The United States shall have until August 15,  
5 2011, to file its response to the non-ineffective assistance  
6 of counsel related claims contained in Epis' § 2255 motion.

7 2. With respect to Epis' ineffective assistance of  
8 counsel claims contained in his § 2255 motion, Epis has  
9 waived the attorney-client privilege with respect to matters  
10 in which he claims that his attorney was ineffective.

11 3. The Court shall grant the United States leave of  
12 Court to take discovery, pursuant to § 2255 Rules, Rule 6,  
13 on the issues relating to Epis' allegations that his trial  
14 counsel was ineffective.

15 4. The due date for the United States' response to  
16 defendant Epis' ineffective assistance of counsel claims  
17 contained in his § 2255 motion shall be thirty days after  
18 the completion of discovery and/or receipt of all deposition  
19 transcripts, whichever is later; both parties reserve the  
20 right to seek a modification of this stipulation to the  
21 extent that discovery disputes arise.

22 ///

23 ///

24 ///

5. Epis shall have thirty days after the filing of the United States' final response to Epis' § 2255 motion, to file his reply, if any, in support of his motion.

Dated: July 27, 2011

/s/ John Balazs

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JOHN BALAZS  
Attorney for Defendant  
Bryan James Epis  
(per email authorization)

Dated: July 27, 2011

BENJAMIN B. WAGNER  
United States Attorney

/s/ Samuel Wong

By:

\_\_\_\_\_  
SAMUEL WONG  
Assistant U.S. Attorney

**ORDER**

The Court, having received, read, and considered the stipulation of the parties, and good cause appearing therefrom, adopts the stipulation of the parties in its entirety as its order.

IT IS SO ORDERED.

Dated: August 2, 2011

/s/ Gregory G. Hollows

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GREGORY G. HOLLOWES  
United States Magistrate Judge